

MONDAY, MAY 13, 1985

FORTY-SEVENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Dr. Dan Moseley, Vine Street Christian Church, Nashville, Tennessee.

Representative Chiles led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 515; and House Resolutions Nos. 31,

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

32, 33, 35 and 37; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bill No. 515 and House Resolutions Nos. 31, 32, 33, 35 and 37.

The Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

**CALENDAR**

Mr. Darnell moved that House Bill No. 749 be placed on the Calendar for Wednesday, May 15, 1985 which motion prevailed.

House Bill No. 374--To set vehicle wieght limits, certain areas.

On motion, House Bill No. 374 was made to conform with Senate Bill No. 533.

On motion, Senate Bill No. 533, on same subject, was substituted for House Bill No. 374.

Mr. Clark (Sumner) moved that Senate Bill No. 533 be passed on third and final consideration.

Mr. Davidson moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 533 by adding the following new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

On motion, the amendment was adopted.

Mr. Clark (Sumner) moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 533 by deleting Sections 1-12 in their entirety and substituting instead the following:

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

**SECTION 1.** Except as provided in Section 2 of this act, no truck, bus or other vehicle whose overall weight is in excess of sixteen thousand (16,000) pounds shall operate or be permitted to operate upon any street, road, highway or other public thoroughfare in counties having a population of not less than eighty-five thousand seven hundred and twenty-five (85,725) nor more than eighty-five thousand eight hundred and twenty-five (85,825) according to the 1980 census of population or any subsequent federal census.

**SECTION 2.** Any person required to operate a nonconforming vehicle on the roads in any such county may apply to the county road super superintendent of the county for a special permit to operate such nonconforming vehicle, the application shall state the estimated weight of the vehicle, the roads upon which it will be operated and the estimated length of time it will be operated on such roads. The granting or denial of a special permit shall be in the descretion of the road superintendent and he shall have the authority to set the length of time for which such permit is valid.

**SECTION 3.** The provisions of this act shall not apply to any streets, roads, highways and throughfares in any such county which are part of the state or federal highway system, or which are within the boundaries of an incorporated municipality. Futher, this act shall not apply to any type of emergency vehicle or to vehicles owned by governmental entities, utilities, or for the purpose of pick-up and delivery of freight.

**Section 4.** A) Any person violating the provisions of this act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty-five (\$25.00) nor more than five hundred dollars (\$500.00) and imprisonment for not more than two (2) days.

b) The owner of any vehicle and/or employer of a driver of a vehicle who knowingly allows a vehicle to be driven in violation of this act shall be guilty of misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

c) Any person violating the provisions of this act and any owner or employer who permits a vehicle to be driven in violation of this act shall also be liable for damages caused to such public thoroughfares as the result of such violation. Such action shall be commended by the county attorney in the name of the county in which the violation occurs.

**SECTION 5.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

or application, and to that end the provisions of this act are declared to be severable.

**SECTION 6.** This act shall take effect upon becoming a law, October 31, 1985.

On motion, the amendment was adopted.

Mr. Clark (Sumner) moved that Senate Bill No. 533 be placed on the Calendar for Wednesday, May 15, 1985, which motion prevailed.

Mr. Murphy moved that House Bill No. 944 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 530--To establish new trial court, 12th judicial district.

On motion, House Bill No. 530 was made to conform with Senate Bill No. 654.

On motion, Senate Bill No. 654, on same subject, was substituted for House Bill No. 530.

Mr. Murray moved that Senate Bill No. 654 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	71
Noes . . . . .	15
Present and not voting . . . . .	7

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Duer, Ellis, Frensley, Gafford, Gaia, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, Kisber, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Tanner, Treadway, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--71.

Representatives voting no were: Bewley, Chiles, Cobb, Crain, Dills, Dixon, Garrett, Harrill, Henry, Lawson, Murphy, Pruitt, Robinson (Davidson), West and Wolfe--15.

Representatives present and not voting were: Davis (Gibson), Gill, Moody, Shirley, Swann, Tankersley and Turner, C. (Shelby)--7.

A motion to reconsider was tabled.

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

House Bill No. 1033--To make certain provisions coon doog training, Lake County.

On motion, House Bill No. 1033 was made to conform with Senate Bill No. 1043.

On motion, Senate Bill No. 1043, on same subject, was substituted for House Bill No. 1033.

Mr. Tanner moved that Senate Bill No. 1043 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

Representative present and not voting was: Lawson--1.

A motion to reconsider was tabled.

House Bill No. 608--To provide for certain governmental entities.

On motion, House Bill No. 608 was made to conform with Senate Bill No. 716.

On motion, Senate Bill No. 716, on same subject, was substituted for House Bill No. 608.

Mr. King moved that Senate Bill No. 716 be passed on third and final consideration.

Mr. King moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 716 by inserting the following language as new sections, immediately preceding the effective date section and by

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

appropriately redesignating the effective date section:

**SECTION \_\_\_\_.** Tennessee Code Annotated, Sections 4-29-109 and 4-29-118, are amended by deleting the words, symbols, and figure "six (6) years" and by substituting instead the following:

"eight (8) years".

**SECTION \_\_\_\_.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 716, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	96
Noes . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Representatives voting no were: Chiles and DeBerry--2.

A motion to reconsider was tabled.

House Bill No. 190--To continue Elk River development agency board.

Mr. King moved that House Bill No. 190 be passed on third and final consideration.

Mr. King moved to amend as follows:

MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY

AMENDMENT NO. 1

Amend House Bill No. 190 by deleting Section 2 and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-207, is amended by adding the following language as an appropriately numbered new item:

( ) Elk River development agency board of directors, created by Sections 64-1-301 and 64-1-302.

On motion, the amendment was adopted.

Thereupon, House Bill No. 190, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	94
Noes . . . . .	4

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representatives voting no were: Curlee, DeBerry, Lawson and Murray--4.

A motion to reconsider was tabled.

House Bill No. 301--To regulate takeover offers for certain equity securities.

On motion, House Bill No. 301 was made to conform with Senate Bill No. 65.

On motion, Senate Bill No. 65, on same subject, was substituted for House Bill No. 301.

Ms. Williams moved that Senate Bill No. 65 be passed on third and final consideration, which motion prevailed by the following vote:

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

Ayes . . . . . 98  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

House Joint Resolution No. 244--Redesignating, Robert Hassler Roberts Memorial Bridge.

Mr. Winningham moved that House Joint Resolution No. 244 be adopted, which motion prevailed by the following vote:

Ayes . . . . . 97  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 936--To appropriate funds, Historic Cemetery Advisory Board.

Mr. Drew moved that House Bill No. 936 be passed on third and final consideration.



**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 936 by deleting the words and figures "one hundred thousand dollars (\$100,000)", and substituting instead the words and figures "twenty-five thousand dollars (\$25,000)".

On motion, the amendment was adopted.

Thereupon, House Bill No. 936, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	76
Noes . . . . .	21

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Gafford, Gaia, Garrett, Gill, Henry, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kernell, King, Kisber, Love, May, McAfee, McCroskey, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--76.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Davis (Cocke), Davis (Knox), Frensey, Harrill, Hassell, Huskey, Kent, Lawson, McNally, Moore (Shelby), Nance, Stafford, Swann, Tankersley, Treadway, Whitson, Williams and Wolfe--21.

A motion to reconsider was tabled.

House Bill No. 990--To establish the viticulture advisory board.

On motion, House Bill No. 990 was made to conform with Senate Bill No. 794.

On motion, Senate Bill No. 794, on same subject, was substituted for House Bill No. 990.

Mr. Stafford moved that Senate Bill No. 794 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	79
Noes . . . . .	17

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

(Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Gill, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Sullivan), Murphy, Murray, Naifeh, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Starnes, Swann, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--17.

Representatives voting no were: Bewley, Byrd, Crain, Dills, Frenslley, Gafford, Hassell, McAfee, Moore (Shelby), Nance, Shirley, Stallings, Tankersley, Treadway, Turner, C. (Shelby), Winningham and Wolfe--17.

A motion to reconsider was tabled.

House Bill No. 153--To continue civil service commission.

Mr. King moved that House Bill No. 153 be passed on third and final consideration.

Mr. King moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 153 by inserting the following language as new sections immediately preceding the effective date section and by appropriately renumbering such effective date section:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 8-30-108, is amended by deleting items (2), (3), and (4) and by appropriately renumbering subsequent items.

Section \_\_\_\_\_. In addition to duties expressly imposed by law upon the department of personnel, the department shall:

- (1) Foster the interest of institutions of learning and of industrial, civic, professional and employee organizations in the improvement of personnel standards in the state service;
- (2) Make a study of the civil service system in those departments of the state government covered by such system and make periodic reports to the governor on recommendations for improvements of the system;
- (3) Make annual reports, and such special reports as it may deem necessary, to the governor and commissioner of personnel regarding personnel administration; and

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

Mr. King moved that House Bill No. 153 be placed on the Calendar for Wednesday, May 15, 1985, which motion prevailed.

House Bill No. 270--To enact joint custody preference, minor children.

On motion, House Bill No. 270 was made to conform with Senate Bill No. 606.

On motion, Senate Bill No. 606, on same subject, was substituted for House Bill No. 270.

Mr. Scruggs moved that Senate Bill No. 606 be passed on third and final consideration.

Mr. Scruggs moved that Senate Bill No. 606 be placed on the Calendar for Wednesday, May 15, 1985, which motion prevailed.

House Bill No. 625--To make certain provisions, agency rules.

Mr. King moved that House Bill No. 625 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaft, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 724--To provide for expunged criminal records as evidence, certain cases.

Ms. Williams moved that House Bill No. 724 be passed on third and final consideration.

Ms. Williams moved to amend as follows:

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

**AMENDMENT NO. 1**

Amend House Bill No. 724 by deleting all sections and by substituting instead the following new sections:

SECTION 1. Tennessee Code Annotated, Section 40-21-109 (a), is amended by deleting the period at the end of the fourth sentence of subdivision (2) immediately following the word "subsection" and by substituting instead the following language and punctuation:

, or for the limited purposes provided in subsection (b) of this section.

SECTION 2. Tennessee Code Annotated, Section 40-21-109 (a), is amended by deleting the period at the end of the fifth sentence in subdivision (2) immediately following the word "purpose" and by substituting instead the following language and punctuation:

, except as provided in subsection (b) of this section.

SECTION 3. Tennessee Code Annotated, Section 40-21-109 (b), is amended by deleting the period at the end of the subsection immediately following the word "purpose" and by substituting instead the following:

, except when the person who has availed himself of the privileges of expungement then assumes the role of plaintiff in a civil action based upon the same transaction or occurrence as the expunged criminal record. In that limited situation, notwithstanding any provision of this section or Section 40-15-106 to the contrary, the non-public records shall be admissible for the following purposes:

(1) a plea of guilty shall be admissible into evidence in the civil trial as a judicial admission;

(2) a verdict of guilty by a judge or jury shall be admissible into evidence in the civil trial as either a public record or shall be admissible to impeach the truthfulness of the plaintiff.

In addition, the non-public records retained by the court, as provided in subsection (a), shall constitute the official record of conviction and shall be subject to the subpoena power of the courts of civil jurisdiction.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

Thereupon, House Bill No. 724, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

**CONSENT CALENDAR**

Senate Joint Resolution NO. 130--Relative to declaring Canadian Thistle Eradication Week.

House Resolution No. 34--Relative to honoring memory of Clyde Russell Sullivan.

House Joint Resolution No. 318--Relative to honoring Roberta McCarver.

House Joint Resolution No. 321--Relative to welcoming Jim Yast.

House Joint Resolution No. 326--Relative to commending Robert Knight.

House Joint Resolution No. 327--Relative to commending Tennessee Forestry employees, fire fighters.

House Joint Resolution No. 328--Relative to commending Tennessee Forestry employees, community assistance.

House Bill No. 1095--To authorize severance tax, Putnam County.

House Bill No. 1109--To amend Charter, Carthage.

House Bill No. 1110--To levy severance tax, Williamson County.

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

Mr. Gill moved that all House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION OF SENATE BILL NO. 54**

Senate Bill No. 54--To regulate penalties, certain taxes.

Mr. Chiles moved that the motion to reconsider Senate Bill No. 54 be lifted from the table, which motion prevailed.

Mr. Chiles moved that the House reconsider its action in passing Senate Bill No. 54 on third and final consideration, as amended, which motion prevailed.

Mr. Chiles moved that the House reconsider its action in adopting Amendment No. 2, which motion prevailed.

Mr. Chiles moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, Senate Bill No. 54, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	98
Noes . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell,

## MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY

Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

Representative voting no was: DeBerry--1.

A motion to reconsider was tabled.

### RULES SUSPENDED

Mr. Gill moved that House Rule No. 48 be suspended in order to set bills moved out of Finance, Ways and Means Committee on the Calendar for this week, which motion prevailed.

### HOUSE BILL ON SENATE AMENDMENT

House Bill No. 304--To regulate housing of certain criminals.

### SENATE AMENDMENT NO. 1

Amend House Bill No. 304 by deleting Section 1 in its entirety and substituting instead the following new sections:

SECTION 1. Tennessee Code Annotated, Section 37-1-134 is amended by deleting subsections (i) and (j) in their entirety and by adding the following language as an appropriately designated subsection;

( ) Any person transferred under this section and committed to the custody of the Department of Correction shall be housed in an appropriate facility as determined by the Commissioner of said department.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Mr. Webb moved that the House non-concur in Senate Amendment No. 1, which motion prevailed.

### NOTICE PURSUANT TO RULE NO. 58

Pursuant to Rule No. 58, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, May 15, 1985:

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

House Bill No. 132--Kent

House Bill No. 417--Drew

Senate Bill No. 300--Miller

**SECOND ROLL CALL**

A roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Nalfeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

Mr. Whitson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 335 out of order, which motion prevailed.

House Joint Resolution No. 335--Relative to congratulating Unicoi County High School football team--By Whitson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Whitson, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Moody moved that the rules be suspended for the purpose of introducing House Joint Resoluton No. 336 out of order, which motion prevailed.

House Joint Resolution No. 336--Relative to expressing appreciation to David D. Miller--By Moody, DePriest, Turner C. (Shelby), Byrd, Ussery, Hobbs, Burnett, Gaia, Wheeler, Murphy and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.



## MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY

On motion of Mr. Moody, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Swann moved that the rules be suspended for the purpose of introducing House Resolution No. 38 out of order, which motion prevailed.

House Resolution No. 38--Relative to congratulating Mr. and Mrs. Clarence E. Tinker, 50th Anniversary.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Swann, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Hobbs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 340 out of order, which motion prevailed.

House Joint Resolution No. 340--Relative to remembering Alex Eugene Ralston--By Hobbs.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hobbs, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Hillis moved that the rules be suspended for the purpose of introducing House Resolution No. 40 out of order, which motion prevailed.

House Resolution No. 40--Relative to studying conviction of James Ray McGraw--By Starnes, Hillis, Wood, Robinson (Hamilton), and Rhinehart.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hillis, the resolution was referred to the Committee on Judiciary.

### INTRODUCTION OF RESOLUTIONS

House Resolution No. 36--Relative to wishing happy birthday; DeBerry, Rhinehart, Bragg, and Ellis--By Davidson, Naifeh and Gill.

Under the rules, House Resolution No. 36 was referred to the Committee on Calendar and Rules.

## **MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

House Joint Resolution No. 329--Relative to commending Robert Tracy Cloys--By Naifeh, Tanner, Stallings, Collier, Kisber, Ridgeway, Davis (Gibson), Dills, Crain, Ivy and Mr. Speaker McWherter.

Under the rules, House Joint Resolution No. 329 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 330--Relative to congratulating A. G. Yoaklim on his 106th birthday--By Cross and Wheeler.

Under the rules, House Joint Resolution No. 330 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 331--Relative to honoring Donald Frank "Trey" Rochford--By Henry and Scruggs.

Under the rules, House Joint Resolution No. 331 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 334--Relative to creating a special joint committee on communications--By Copeland.

The Speaker referred House Joint Resolution No. 334 to the Committee on State and Local Government.

### **INTRODUCTION OF BILLS**

House Bill No. 1120--To set voter qualifications, Humboldt--By Davis (Gibson).

Passed first consideration.

House Bill No. 1121--To provide for limited Constitutional Convention--by Copeland.

Passed first consideration.

### **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1113--To amend budget law, Decatur County.

Passed second consideration and held without reference.

House Bill No. 1114--To amend highway law, Decatur County.

Passed second consideration and held without reference.

House Bill No. 1115--To regulate moving of structures, Williamson County.

Passed second consideration and held without reference.

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

House Bill No. 1116--To authorize certain payment in lieu of taxes, Greeneville.

Passed second consideration and held without reference.

House Bill No. 1117--To authorize sale of pyrotechnics, Sullivan County.

Passed second consideration and held without reference.

House Bill No. 1118--To repeal Chapter 16, Private Acts, 1953.

Passed second consideration and held without reference.

House Bill No. 1119--To make possession of pyrotechnics lawful, Sullivan County.

Passed second consideration and held without reference.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, May 15, 1985: House Joint Resolutions Nos. 28, 33, 235, 294, 212, 280, 259, 257 and 279.

GILL, Chairman.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 319; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

906--To regulate certain county election commissions.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

288--Relative to honoring Scott High School football team;

289--Relative to honoring Celina High School boys' basketball team;

290--Relative to honoring Red Bolling Springs High School girls' basketball team;

291--Relative to honoring Pickett County High School boys' basketball team;

292--Relative to honoring Joey Coe, Celina;

297--Relative to honoring Columbia Central High School boys' basketball team;

298--Relative to honoring Rick Kleinfelter;

300--Relative to honoring Randy Shelton;

301--Relative to congratulating Oneida High School boys' basketball team;

302--Relative to honoring Brian Bond;

303--Relative to honoring Campbell County junior varsity girls' basketball team;

304--Relative to honoring Congressman Jim Cooper and wife;

305--Relative to honoring South Fulton Middle School boys' basketball team;

306--Relative to congratulating Mr. and Mr. Herbert Windom Staggs;

308--Relative to commending WKNO television station;

309--Relative to commending James E. Word;

310--Relative to memory, Harriet Van Vleet;

311--Relative to MED's Annual Employee Barbeque Cook-Off;

312--Relative to commending W. A. Suggs Scholarship Association;

313--Relative to proclaiming "Northwood Park Day";

322--Relative to honoring Edmund W. Melsenhelder, III;

324--Relative to honoring LaPollette Training League Junior Pro All-Stars;

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

325--Relative to congratulating Ronald Craig; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**LOCAL BILLS REFERRED TO CALENDAR AND RULES**

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1115, 1117, 1118 and 1119.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, May 15, 1985: House Bills Nos. 1115, 1117, 1118, 1119; and House Joint Resolutions Nos. 329, 330, 331 and House Resolution No. 36.

GILL, Chairman.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 374--Clark (Sumner)

House Bill No. 807--Hassell

House Bill No. 939--Clark (Sumner)

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 190, 625, 724, 936, 1095, 1109 and 1110; and House Joint Resolutions Nos. 244, 318, 321, 326, 327, 328, 335, 336 and 340; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No. 805--To amend Gasoline Tax Law; substituted for Senate Bill on same subject, amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.:

1099--To prohibit concurrent service, elected officials, Dyer County; substituted for Senate Bill on same subject and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill No. 97--To regulate taxation, gasohol; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolutions Nos.:

- 132--Relative to appreciation, Honorable William B. Hubbard;
- 146--Relative to commending Kathleen Rogers;
- 147--Relative to commending Mrs. Barbara Labold Grunow;
- 153--Relative to commending Ramsey Anabtawi;
- 155--Relative to commending Kimberly J. Chilton;
- 156--Relative to honoring Knoxville's volunteer literacy tutors; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills

**MONDAY, MAY 13, 1985--47th LEGISLATIVE DAY**

Nos. 435, 515, 528 and 1098; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

On motion of Mr. Naifeh, the House adjourned until 2:00 p.m.,  
Wednesday, May 15, 1985.